

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

DARRYL ORRIN BAKER,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 05-147E
)	
UNITED STATES OF AMERICA,)	JUDGE McLAUGHLIN
)	
Defendant.)	ELECTRONICALLY FILED

DEFENDANT'S MOTION FOR CONTINUANCE OF SETTLEMENT
CONFERENCE SCHEDULED FOR JULY 7, 2008

AND NOW, comes Defendant, the United States of America, by its attorneys, Mary Beth Buchanan, United States Attorney for the Western District of Pennsylvania, and Paul E. Skirtich, Assistant United States Attorney for said district, and respectfully moves the Court for a continuance of the Settlement Conference currently scheduled for Monday, July 7, 2008, at 10:00 a.m. In support of this Motion, the United States avers as follows:

1. On June 11, 2008, this Court ordered Plaintiff to file his expert report by June 27, 2008, and for Defendant to have its expert complete its exam of Plaintiff by that same date. Further, this Court scheduled a Settlement Conference for July 7, 2008, at 10:00 a.m.

2. Defendant's expert in Minneapolis has scheduled an examination of Defendant for a known date and time in the second week of July 2008, but which is not specified herein due to security concerns, which is after the settlement hearing.

Defendant's expert, an eye surgeon, has only limited days available for examination and initially scheduled Plaintiff to be examined on Wednesday, June 25, 2008, to accommodate this Court and all parties. Officials at the Federal Correctional Facility at Sandstone, Minnesota, however, were unable to arrange transportation and security to bring Mr. Baker to Minneapolis.

3. The next available exam date for Defendant's expert is during the second week of July 2008 as noted in paragraph 2 above. As a result, Defendant will not have the benefit of the results of the Plaintiff's exam by the time of the settlement conference.

4. It is averred that the Defendant needs to, at a minimum, speak with Defendant's expert after Plaintiff's exam to be able to attend a Settlement Conference in good faith.

5. Plaintiff's counsel, Bryan D. Fife, Esquire, has no objection to the granting of this Motion.

WHEREFORE, based on the above, the Defendant requests that the Settlement Conference currently set for July 7, 2008, at 10:00 a.m. be rescheduled to a date and time convenient to all parties.

A proposed Order is attached.

Respectfully submitted,

MARY BETH BUCHANAN
United States Attorney

s/Paul E. Skirtich
PAUL E. SKIRTICH
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CERTIFICATE OF SERVICE

I hereby certify that on this 27th day of June, 2008,
a true and correct copy of the within Defendant's Motion for
Continuance of Settlement Conference Scheduled for July 7, 2008,
was electronically filed and/or served by first-class U.S. mail,
upon the following:

Bryan D. Fife, Esquire
2222 West Grandview Boulevard
Erie, PA 16506-4509

s/Paul E. Skirtich
PAUL E. SKIRTICH
Assistant U.S. Attorney